(e) This section is cumulative of and in addition to other law applicable to or affecting the authority. This section does not limit the power of the authority to use other law not in conflict with this Act to the extent necessary or convenient to carry out a power expressly or impliedly granted by this section.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 17, 2009: Yeas 28, Nays 1; passed the House on May 26, 2009: Yeas 146, Nays 0, two present not voting.

Approved June 19, 2009.

CHAPTER 499

S.B. No. 880

AN ACT relating to the creation of the Fort Bend County Municipal Utility District No. 200; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8337 to read as follows:

CHAPTER 8337. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 200

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8337.001. DEFINITIONS. In this chapter:
(1) “Board” means the district’s board of directors.
(2) “Director” means a board member.
(3) “District” means the Fort Bend County Municipal Utility District No. 200.

Sec. 8337.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8337.003. CONFIRMATION AND DIRECTORS’ ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8337.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.
(b) The district is created to accomplish the purposes of:
(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and
(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

Sec. 8337.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.
(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district’s:
(1) organization, existence, or validity;
(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
(3) right to impose a tax; or
(4) legality or operation.

[Sections 8337.006–8337.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8337.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8337.052, directors serve staggered four-year terms.

Sec. 8337.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Alan Lee;
(2) U. L. Edwards;
(3) Danny Wilbanks;
(4) Jim Taylor; and
(5) John West.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8337.003; or
(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8337.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8337.003; or
(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8337.053–8337.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8337.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8337.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8337.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 8337.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8337.103 unless:
(1) each municipality or county that will operate and maintain the road has approved the plans and specifications of the road project, if a municipality or county will operate and maintain the road; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

Sec. 8337.105. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8337.103; or

(2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8337.106-8337.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8337.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8337.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8337.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8337.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8337.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 8337.154-8337.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8337.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8337.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8337.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects
and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Fort Bend County Municipal Utility District No. 200 initially includes all the territory contained in the following area:

FIELD NOTES FOR A 65.877 ACRE TRACT OF LAND IN THE WILLIAM ANDREWS LEAGUE, ABSTRACT 3, AND THE JOHN FOSTER 2-1/2p LEAGUE GRANT, ABSTRACT 26, FORT BEND COUNTY, TEXAS, SAID 65.877 ACRE TRACT BEING COMPRISED OF THAT CERTAIN CALLED 7.00 ACRE TRACT RECORDED IN VOLUME 1722, PAGE 589, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 28.00 ACRE TRACT RECORDED IN VOLUME 1722, PAGE 574, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED 26.00 ACRE TRACT RECORDED IN VOLUME 2375, PAGE 1438, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, AND THAT CERTAIN CALLED 5.00 ACRE TRACT RECORDED IN VOLUME 1543, PAGE 848, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS OF FORT BEND COUNTY MONUMENT NUMBER FB08.

BEGINNING at a 1/2 inch iron pipe with cap marked “Kalkomey Surveying” found in the north right-of-way line of F. M. Highway 359 (100-feet wide) for the southeast corner of said called 28.00 acre tract, same being the southwest corner of an adjoining called 4.5256 acre tract recorded under County Clerk's File Number 1999005944, Official Public Records, Fort Bend County, Texas, for the lower southeast corner and Place of Beginning of the herein described tract, said point bears North 69 degrees 07 minutes 59 seconds West, 658.65 feet (called North 66 degrees 53 minutes 39 seconds West, 658.51 feet) from a concrete monument found at the intersection of the north right-of-way line of F. M. Highway 359 with the west right-of-way line of F. M. Highway 723 (100-feet wide);

THENCE North 69 degrees 06 minutes 58 seconds West (called North 66 degrees 53 minutes 39 seconds West) along the south line of the herein described tract and the south line of said called 28.00 acre tract, same being the north right-of-way line of F. M. Highway 359, 672.77 feet (called 672.80 feet) to a 1/2 inch iron pipe found on said line for angle point, being the southwest corner of said called 28.00 acre tract, same being the southeast corner of the aforementioned called 26.00 acre tract;

THENCE North 68 degrees 55 minutes 26 seconds West (called North 66 degrees 53 minutes 39 seconds West) along the south line of the herein described tract, the south line of said called 26.00 acre tract, and the south line of the aforementioned called 5.00 acre tract, same being the north right-of-way line of F. M. Highway 359, 668.02 feet to a concrete monument found at the beginning of a curve to the left;

THENCE along said curve to the left having a central angle of 02 degrees 16 minutes 15 seconds, a radius of 3,870.00 feet, an arc length of 153.37 feet, and a chord bearing North 69 degrees 55 minutes 17 seconds West, 153.36 feet to a point on said curve for the southwest corner of the herein described tract and the southwest corner of said called 5.00 acre tract, same being the southeast corner of an adjoining called 10.228 acre tract recorded in Volume 2584, Page 467, Official Records, Fort Bend County, Texas;

THENCE North 02 degrees 03 minutes 09 seconds West (adjoiner called North 00 degrees 17 minutes 10 seconds West) along the west line of the herein described tract and the west line of said called 5.00 acre tract, same being the east line of said adjoining called 10.228 acre tract, at 0.35 feet pass a 1/2 inch iron pipe found in concrete on said line, and continuing for a total distance of 462.85 feet (adjoiner called 462.4 feet) to an axle found on said line for angle point;

THENCE North 02 degrees 17 minutes 04 seconds West (adjoiner called North) continuing along the west line of the herein described tract and the west line of said called 5.00 acre tract, and along the west line of the aforementioned called 26.00 acre tract, same being the east line of said adjoining called 10.228 acre tract, at 327.68 feet pass a 1/2 inch iron pipe found 2.95 feet left of said line, and continuing for a total distance of 512.48 feet (adjoiner called 512.70 feet) to a 1-1/4 inch iron pipe found on said line for angle point, said point being the northeast corner of said adjoining called 10.228 acre tract, same being the southeast corner of the 65.877 acre tract described herein.
THENCE North 02 degrees 23 minutes 34 seconds West (adjoiner called North) along the west line of the herein described tract and the west line of said called 26.00 acre tract, same being the east line of said adjoining called 112.617 acre tract, at 565.00 feet pass a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set on said line for reference, and continuing for a total distance of 785.90 feet (adjoiner called 760 feet) to a point on the centerline of Jones Creek for the northwest corner of the herein described tract and the northwest corner of said called 26.00 acre tract, same being the northeast corner of said adjoining called 112.617 acre tract, the southeast corner of an adjoining called 64.28 acre tract recorded under Probate File Number 16,393, Probate Records, Fort Bend County, Texas, described in Volume 203, Page 392, Deed Records, Fort Bend County, Texas, and the southwest corner of an adjoining called 26.2992 acre tract recorded under County Clerk's File Number 2004151301, Official Public Records, Fort Bend County, Texas;

THENCE along the centerline of Jones Creek, being the common line of the herein described tract and said adjoining called 26.2992 acre tract, with the following meanders:

South 64 degrees 31 minutes 36 seconds East, 280.44 feet;
South 76 degrees 15 minutes 19 seconds East, 149.11 feet;
North 88 degrees 53 minutes 35 seconds East, 340.35 feet;
South 81 degrees 11 minutes 21 seconds East, 613.46 feet;
South 75 degrees 31 minutes 44 seconds East, 38.64 feet to a point for the upper northeast corner of the herein described tract and the northeast corner of the aforementioned called 28.00 acre tract, same being the northwest corner of an adjoining called 6.00 acre tract recorded under Probate File Number 15,316, Probate Records, Fort Bend County, Texas, described in Volume 1291, Page 259, Official Records, Fort Bend County, Texas;

THENCE South 02 degrees 23 minutes 02 seconds East (adjoiner called South 00 degrees 09 minutes 07 seconds East) along the common line of the herein described tract and said adjoining called 6.00 acre tract, at 170.05 feet pass a 1/2 inch iron pipe found on said line for reference, and continuing for a total distance of 431.86 feet (adjoiner called 431.93 feet) to a 1/2 inch iron pipe found for a reentry corner to the herein described tract, same being the southwest corner of said adjoining called 6.00 acre tract, and being the northwest corner of the aforementioned called 7.00 acre tract;

THENCE South 76 degrees 29 minutes 28 seconds East (called South 74 degrees 17 minutes 23 seconds East) continuing along said common line, 632.36 feet (called 632.52 feet) to a 1/2 inch iron pipe found in the west right-of-way line of F. M. Highway 723 for the lower northeast corner of the herein described tract and the northeast corner of said called 7.00 acre tract, same being the southeast corner of said adjoining called 6.00 acre tract;

THENCE South 02 degrees 16 minutes 54 seconds East (called South 00 degrees 02 minutes 09 seconds East) along the most easterly east line of the herein described tract and the east line of said called 7.00 acre tract, same being the west right-of-way line of F. M. Highway 723, 543.27 feet (called 543.35 feet) to a 1/2 inch iron pipe found for the upper southeast corner of the herein described tract and the southeast corner of said called 7.00 acre tract, same being the northeast corner of an adjoining called 5.236 acre tract recorded under County Clerk's File Number 2006017382, Official Public Records, Fort Bend County, Texas;

THENCE North 69 degrees 21 minutes 26 seconds West (called North 67 degrees 14 minutes 09 seconds West) along the common line of the herein described tract and said adjoining called 5.236 acre tract, 659.41 feet (called 659.37 feet) to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found for a reentry corner to the herein described tract, being the southwest corner of said called 7.00 acre tract, same being the northwest corner of said adjoining called 5.236 acre tract, and being in the east line of the aforementioned called 28.00 acre tract;

THENCE South 02 degrees 16 minutes 32 seconds East (adjoiner called South 00 degrees 09 minutes 07 seconds East) continuing along said common line, 377.92 feet (adjoiner called 377.90 feet) to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found on said line

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for angle point, said point being the upper southwest corner of said adjoining called 5.236 acre tract, same being the northwest corner of the aforementioned adjoining called 4.5256 acre tract;

THENCE South 02 degrees 19 minutes 53 seconds East (adjoiner called South 00 degrees 09 minutes 07 seconds East) along the lower east line of the herein described tract and the east line of said called 28.00 acre tract, same being the west line of said adjoining called 4.5256 acre tract, at 341.30 feet pass a 1/2 inch iron pipe found on said line, and continuing for a total distance of 772.86 feet (adjoiner called 771.90 feet) to the Place of Beginning and containing 65.877 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on May 12, 2009: Yeas 31, Nays 0; passed the House on May 25, 2009: Yeas 144, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 500

S.B. No. 892

AN ACT

relating to inclusion in a public school campus improvement plan of goals and objectives for the campus coordinated health program.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (d), Section 11.253, Education Code, is amended to read as follows:

(d) Each campus improvement plan must:

(1) assess the academic achievement for each student in the school using the academic excellence indicator system as described by Section 39.051;

(2) set the campus performance objectives based on the academic excellence indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29;

(3) identify how the campus goals will be met for each student;

(4) determine the resources needed to implement the plan;

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;